

**REAL ESTATE BOARD
MINUTES
APRIL 28, 2011**

PRESENT: Stephen Beers, Lisabeth Weirich, Kenneth Lee, Michael Mulleady, Dennis Pierce and Robert Dueholm

NOT PRESENT: Ryan Schroeder

STAFF PRESENT: Denise Aviles, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL staff

GUESTS: Anne Blood and Cori Lamont

CALL TO ORDER

Stephen Beers, Chair, called the meeting to order at 10:05 a.m. A quorum six (6) was present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Correct case number in closed session (G) (h) (ii) to 07 REB 254
- Add (G) (a) (i) Monitoring LS0804241 REB – Lacinda Gehrke-Edwards

MOTION: Dennis Pierce moved, seconded by Robert Dueholm, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 17, 2011

Corrections:

- Clarify attendance – only Robert Dueholm arrived at 12:00
- Clarify out-state meetings as meetings outside of Madison not out-of-state meetings
- Under – Administrative Rules Update – replace “process to handle addendum” with “use of addenda”
- Complete thought in “Real Estate Curriculum Committee Update”
- Correct Stephen Beers name in the motion to go into closed session

MOTION: Kenneth Lee moved, seconded by Michael Mulleady, to approve the Minutes of February 17, 2011, subject to corrections. Motion carried unanimously.

**ADMINISTRATIVE REPORT
DENISE AVILES BUREAU DIRECTOR**

Denise Aviles provided updates related to case advisor training, minute format and travel.

PRESENTATION OF PROPOSED STIPULATIONS

Division of Enforcement Attorneys presented the following stipulations:

1. 07 REB 093 Larry J. Lupton
2. 09 REB 063 Barbara A. Hilgenberg and Premier Realty LLC
3. 10 REB 022 Joel L. Lynch A/K/A Joel Lee Hoffman
4. 10 REB 024 Caleb J. Hall
5. 10 REB 069 Carlos R. Solis

LEGISLATIVE/ADMINISTRATIVE RULES

RL 16 AND RL 18

These items will be an action item at the next meeting.

RL 24

Ms. McGowan expects that this rule will be effective 1/1/12.

MOTION: Lisabeth Weirich moved, seconded by Michael Mulleady, to authorize Yolanda McGowan permission to make any changes necessary to allow provisions related to RL 24.17 become effective as soon as possible after publication.

RL 25

Ms. McGowan expects that this rule will be effective 7/1/12.

MOTION: Michael Mulleady moved, seconded by Kenneth Lee, to authorize changes to the rule draft for RL 24 and RL 25 with respect to the effective dates and other cleanup matters and to delegate authority to Stephen Beers to approve the final draft on behalf of the Board. Motion Carried Unanimously

EXAMINATION, EDUCATION AND EXPERIENCE ISSUES

THE BOARD DISCUSSED THE FOLLOWING ITEMS:

- Discussion Related to Curriculum and Advising Providers of the Need to Keep Curriculum Current
- Update on the Status of the Ad Hoc Committee on Real Estate Education Recommendations
- Discussion Regarding Recent Changes to Illinois Rules and Reciprocity
- Discussion Regarding to the Creation of a Real Estate Examining Board
- Update on Newest Member of the Real Estate Contractual Forms Advisory Committee
- Forms Status Update

PUBLIC COMMENTS

Public comments were received from Joe Vosen.

CONVENE TO CLOSED SESSION

MOTION: Lisabeth Weirich moved, seconded by Robert Dueholm, to convene to Closed Session to deliberate on cases following hearings (s. 19.85 (1) (a), Stats.); to consider disciplinary investigation with administrative warning (s. 19.85(1) (b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Roll Call Vote: Robert Dueholm-yes; Stephen Beers-yes; Lisabeth Weirich-yes; Kenneth Lee – yes; Dennis Pierce – yes; Michael Mulleady – yes. Motion carried unanimously.

Open session recessed at 11:10 a.m.

RECONVENE TO OPEN SESSION

MOTION: Robert Dueholm moved, seconded by Dennis Pierce, to reconvene into Open Session at 1:10 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

**PROPOSED STIPULATIONS OR
ANY RECEIVED AFTER MAILING OF AGENDA**

MOTION: Dennis Pierce moved, seconded by Michael Mulleady, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matters of 07 REB 093, Larry J. Lupton; 09 REB 063, Barbara A. Hilgenberg and Premiere Realty LLC; 10 REB 022, Joel L. Lynch a/k/a Joel Lee Hoffmann; 10 REB 024, Caleb J. Hall; and 10 REB 069, Carlos R. Solis. Motion carried unanimously.

**PROPOSED DECISIONS OR ANY RECEIVED
AFTER MAILING OF AGENDA**

MOTION: Robert Dueholm moved, seconded by Kenneth Lee, to adopt the Proposed Final Decision and Order in the matter of 06 REB 222, James A. Weber. Motion carried unanimously.

**ADMINISTRATIVE WARNINGS INCLUDING ANY
RECEIVED AFTER MAILING OF AGENDA**

MOTION: Dennis Pierce moved, seconded by Michael Mulleady, to issue the administrative warnings in cases 08 REB 075, 09 REB 163, 09 REB 065, 10 REB 104, 10 REB 128 as recommended by the Division of Enforcement. Motion carried unanimously.

PROPOSED ORDERS FIXING COSTS

MOTION: Michael Mulleady moved, seconded by Kenneth Lee, to adopt the proposed order fixing costs in the matter of case 07 REB 170 as amended. Motion carried unanimously.

MONITORING

MOTION: Kenneth Lee moved, seconded by Robert Dueholm, to grant a 30 day stay of suspension and to require submission of an audit demonstrating compliance with Wisconsin Administrative Code RL-18 and further to delegate the Department monitor authority to reinstate the suspension after 30 days if respondent fails to comply with the order. Motion carried unanimously.

CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR ANY RECEIVED AFTER MAILING OF AGENDA

MOTION: Lisabeth Weirich moved, seconded by Michael Mulleady, to close the following cases as recommended by the Division of Enforcement. Motion carried unanimously.

1. 07 REB 093 No Violation
2. 07 REB 254 Prosecutorial Discretion (P5)
3. 08 REB 026 Insufficient Evidence
4. 08 REB 075 Prosecutorial Discretion (P3) LLC respondent
5. 08 REB 188 Insufficient Evidence
6. 09 REB 034 Prosecutorial Discretion (P2)
7. 09 REB 063 No Violation
8. 09 REB 121 Prosecutorial Discretion (P1)
9. 09 REB 138 Insufficient Evidence
10. 09 REB 149 No Violation
11. 09 REB 163 Prosecutorial Discretion (P3)
12. 09 REB 171 Prosecutorial Discretion (P5)
13. 09 REB 177 No Violation
14. 10 REB 008 Insufficient Evidence
15. 10 REB 015 Prosecutorial Discretion (P5)
16. 10 REB 040 No Violation (Stephen Beers recused himself)
17. 10 REB 042 Prosecutorial Discretion (P5)
18. 10 REB 043 Insufficient Evidence
19. 10 REB 104 Prosecutorial Discretion (P2)
20. 10 REB 119 Prosecutorial Discretion (P5)
21. 10 REB 123 Prosecutorial Discretion (P5)

CONSULTING WITH LEGAL COUNSEL

The Board consulted with legal counsel throughout the meeting as the need was identified.

DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings

Signatures were collected for all required documents.

Next Meeting: June 23, 2011 – 10:00 AM

ADJOURNMENT

MOTION: Robert Dueholm moved, seconded by Kenneth Lee, to adjourn the meeting at 1:18 p.m. Motion carried unanimously.